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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 In re: Acacia Media Technologies Corp. NO. C 05-01114 JW
11 NO. M 05-01665 JW

12 **AMENDED JUDGMENT**
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15 Pursuant to the Court's October 23, 2009 Amended Order Granting Defendants' Motions for
16 Summary Judgment (hereafter, "October 23 Order," Docket Item No. 354), there has now been an
17 adjudication of all of the claims asserted by Plaintiff Acacia Media Technologies Corp. ("Acacia")
18 against all of the remaining Defendants in this MDL proceeding. The Defendants are: Echostar
19 Satellite LLC, Echostar Technologies Corp., DIRECTV Group, Inc., Time Warner Cable Inc., CSC
20 Holdings, Inc., Hospitality Network, Inc., Cable America Corp., Comcast Cable Communications
21 LLC, Coxcom Inc., Insight Communications Company, Inc., Charter Communications, Inc. (solely
22 to the extent authorized by the Bankruptcy Court), Armstrong Group, Wide Open West LLC, Block
23 Communications Inc., East Cleveland Cable TV and Communications LLC, Massillon Cable TV
24 Inc., NPG Cable Inc., Mid-Continent Media, Inc., US Cable Holdings LP, Sjoberg's Cablevision,
25 Inc., Savage Communications Inc., Loretel Cablevision, Cannon Valley Communications, Inc.,
26 Arvig Communication Systems, Cable One, Inc., Mediacom Communications Corporation, Bresnan
27 Communications, Cequel III Communications I, LLC (dba Cebridge Connections), Game Link Inc.,
28 ACMP LLC, Cybernet Ventures Inc., Global AVS Inc., National A-1 Advertising Inc., AEBN Inc.,

Ademia Multimedia LLC, Audio Communications Inc., Cyber Trend Inc., Innovative Ideas International, Adult Revenue Service, Lightspeed Media Group Inc., New Destiny Internet Group LLC, VS Media Inc., Offendale Commercial Limited BV, AskCS.com, Inc., and International Web Innovations Inc. (collectively referred to in this Judgment as “Defendants”).

First, for the reasons set forth in the October 23 Order, with respect to Defendants’ counterclaims of invalidity under 35 U.S.C. § 112, ¶ 2 as to U.S. Patent Nos. 5,132,992 (“’992 Patent”), 5,550,863 (“’863 Patent”), 6,002,720 (“’720 Patent”), and 6,144,702 (“’702 Patent”), respectively, judgment is entered in favor of Defendants and against Acacia. The Court declares U.S. Patent Nos. ‘992, ‘863, ‘720, and ‘702 invalid.


Second, for the reasons set forth in the October 23 Order, with respect to Acacia’s claims for infringement and Defendants’ counterclaims for a declaration of non-infringement of the ‘992, the ‘863, the ‘720, and the ‘702 Patents, judgment is entered in favor of Defendants against Acacia. The Court declares that U.S. Patent Nos. ‘992, ‘863, ‘720, and ‘702 not infringed by Defendants.

Third, because Acacia has voluntarily withdrawn all asserted claims of U.S. Patent No. 5,253,275 (“’275 Patent”), judgment is entered in favor of Defendants and against Acacia on Acacia’s claims for infringement and on Defendants’ counterclaims for declaration of non-infringement of the ‘275 patent.

Fourth, Acacia’s state law claims and Defendants’ remaining counterclaims are dismissed without prejudice.

The Court declares that Defendants are the prevailing parties and are entitled to recover costs of suit. Accordingly, the Court finds that there is no just reason for delay of entry of final judgment in favor of Defendants and against Plaintiff Acacia. This is a full and final adjudication of all issues before this Court.

Dated: November 5, 2009



JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

Adam R. Alper aalper@kirkland.com
 Alan P. Block blocka@hbdlawyers.com
 Albert L. Underhill aunderhill@swlaw.com
 Annamarie A. Daley aadaley@rkmc.com
 Asim M. Bhansali amb@kvn.com
 Benjamin Hershkowitz bhershkowitz@gibsondunn.com
 Bobby T. Shih bshih@mount.com
 Bradford P. Lyerla blyerla@marshallip.com
 Bryant Carroll Boren bryant.c.boren@bakerbotts.com
 Christopher Scott Marchese marchese@fr.com
 Christopher W Kennerly chris.kennerly@bakerbotts.com
 Daniel Reisner dreisner@kayescholer.com
 Daniel E. Jackson djackson@kvn.com
 Daralyn J. Durie ddurie@durietangri.com
 David Benyacar dbenyacar@kayescholer.com
 David A. York david.york@lw.com
 David Jason Silbert djs@kvn.com
 David Michael Hymas dhymas@mofo.com
 David P. Pearson dpearson@winthrop.com
 Emmett J. McMahon ejmcmahon@rkmc.com
 Harold J. McElhinny HmcElhinny@mofo.com
 J. Timothy Nardell tim@jtnlaw.com
 James Michael Slominski jslominski@hh.com
 Jason A. Crotty jcrotty@mofo.com
 Jeffrey D. Sullivan jeffrey.sullivan@bakerbotts.com
 Jeffrey H. Dean jdean@marshallip.com
 John C. Englander jenglander@goodwinprocter.com
 Jon-Thomas Bloch jbloch@marshallip.com
 Jonathan Elliot Singer singer@fr.com
 Juanita R. Brooks brooks@fr.com
 Kevin D. Hogg khogg@marshallip.com
 Kevin G. McBride kgmcbride@jonesday.com
 Kevin I. Shenkman shenkman@hbdlawyers.com
 Maria Kara Nelson mknelson@jonesday.com
 Marsha Ellen Mullin memullin@jonesday.com
 Matthew Ian Kreeger mkreeger@mofo.com
 Michael J. McNamara michael.mcnamara@bakerbotts.com
 Mitchell D. Lukin mitch.lukin@bakerbotts.com
 Morgan William Tovey morgantovey@quinnemanuel.com
 Patrick J. Whalen pwhalen@spencerfane.com
 Paul A. Friedman pafriedman@mofo.com
 Rachel Krevans rkrevans@mofo.com
 Richard R. Patch rrp@cpdb.com
 Robert Donald Carroll rcarroll@goodwinprocter.com
 Roderick G. Dorman dormanr@hbdlawyers.com
 Sean David Garrison sgarrison@lrlaw.com
 Stephen E. Taylor staylor@tcolaw.com
 Stephen P. Safranski spsafranski@rkmc.com
 Todd Glen Miller miller@fr.com
 Todd R. Tucker ttucker@rennerotto.com

United States District Court

For the Northern District of California

1 Victor de Gyarfas vdegvarfas@foley.com
Victor George Savikas vgsavikas@jonesday.com
2 William Joseph Robinson wrobinson@foley.com
William R. Overend woverend@reedsmith.com
3 William R. Woodford woodford@fr.com
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5 **Dated: November 5, 2009**

Richard W. Wieking, Clerk

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7 **By: /s/ JW Chambers**

Elizabeth Garcia
Courtroom Deputy
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